

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PARK IRMAT DRUG CORP.,

Plaintiff,

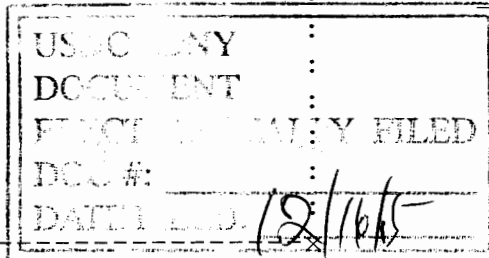
-v-

OPTUMRX, INC.,

Defendant.

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: 15 Civ. 8930 (JSR)
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ORDER



JED S. RAKOFF, U.S.D.J.

Before the Court is plaintiff Park Irmat Drug Corp.'s motion for a temporary restraining order and preliminary injunction enjoining defendant OptumRx, Inc. from terminating plaintiff from defendant's retail pharmacy network during the pendency of this litigation. Upon consideration, the motion is hereby denied. Although a memorandum will issue in due course giving the reasons for this decision, in brief it is because even though plaintiff has met its burden of showing irreparable harm and that the balance of hardships tips in its favor, it has failed to meet its burden of showing a likelihood of success on the merits or sufficiently serious questions going to the merits such that injunctive relief is warranted.

The parties are hereby ordered to convene a telephone conference with the Court by no later than close of business on December 16 in order to set a schedule for the remainder of this action and to set a prompt date for an evidentiary hearing regarding

defendant's apparent violation of the Court's November 23, 2015 order staying the termination of plaintiff from any pharmacy networks administered by defendant until the hearing was held on plaintiff's motion for injunctive relief.

SO ORDERED.

Dated: New York, NY
December ~~16~~, 2015


JED S. RAKOFF, U.S.D.J.